

Amendment No. 2 to SB3428

**Cooper
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3428

House Bill No. 2775*

By adding the following new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 62-35-126, is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-35-126.

(a) An individual is eligible to become an unarmed or armed certified instructor/trainer or to instruct in any of the specialized fields as required by the commissioner only if such individual:

(1) Is at least twenty-one (21) years of age;

(2) Has at least five (5) years of training/instructional experience satisfactory to the commissioner with a contract security company or proprietary security organization, or with any federal, United States military, state, county or municipal law enforcement agency, or any other private training organization approved by the commissioner on the subjects listed in the unarmed or armed training requirements;

(3) Completes an application to the department of commerce and insurance and receives a background check from the Tennessee bureau of investigation and federal bureau of investigation that provides that the individual has not been convicted of a felony, a misdemeanor listed in this chapter, or any other violation that would disqualify them under this chapter or rules or regulations promulgated pursuant to this chapter; and

(4) Is personally qualified to conduct training required by this chapter.

(b) A certified instructor/trainer may, in such trainer's discretion, instruct personally or use a combination of personal instruction, audio and visual training aids, but shall not depend solely on training aids or videos/tapes for instruction of applicants.

(c) To assist in the implementation of the training program, the certified instructor/trainer may be assisted by any person who is approved by the commissioner, but the assisting person shall not teach any portion of the certification class without the certifying instructor/trainer being present at all times while the assistant is teaching.

(d) Assisting instructor/trainers shall provide to the commissioner proof that they meet all the requirements of title 62. An assisting instructor/trainer shall have a training certificate or resume verified and approved by the commissioner stating that such instructor/trainer is competent to teach the subjects listed in the unarmed or armed portion of the certification class in which they are assisting. Assisting instructor/trainers are not authorized to sign training certificates or renewals of certification for unarmed, armed or specialized training.

(e) Assisting instructor/trainers shall pay a fee that is set by the commissioner for a background check and other such requirements.

(f) The commissioner shall set and collect a minimum annual fee for certification of assistant instructor/trainers.

(g) If an assistant instructor/trainer wishes to change classification from assistant instructor/trainer to an instructor/trainer such person shall meet all the requirements of instructor certification and shall pay all required fees.

(h) Persons who apply for an unarmed instructor/trainer certificate shall;

(1) Supply to the commissioner a complete and accurate resume stating the applicant's qualifying experience to instruct/teach persons for unarmed security officer/guard certification; and

(2) Provide proof of experience as a law enforcement officer or former law-enforcement officer, attorney, judge or a legal background approved by the commissioner before teaching the legal portion of the unarmed class. Nothing in this section shall prohibit an instructor/trainer from utilizing personnel other than department certified instructor/trainers to teach legal, civil liabilities, criminal

codes or any other law-related aspects of the class that meet the approval of the commissioner.

(A) Each instructor/trainer shall be qualified to teach each portion of the unarmed certification requirements and shall furnish the commissioner proof of qualifications to teach each segment of the unarmed portion.

(B) Each person who is certified to teach armed certification shall also be certified to teach the unarmed portion of the certification.

(i) Persons who apply for an armed instructor/trainer certificate shall:

(1) Supply to the commissioner a complete resume stating the qualifying experience to teach persons for armed security officer/guard certification; and

(2) Provide proof of experience as a law-enforcement officer or former law-enforcement officer, attorney, judge, legal background or other background approved by the commissioner before teaching the legal portion of the armed class. Nothing in this section shall prohibit an instructor/trainer from utilizing personnel other than department certified instructor/trainers to teach the legal, civil liabilities, criminal codes or any other law-related aspects of the class that meets the approval of the commissioner.

(j) Each instructor/trainer applying shall be qualified to teach each portion of the armed certification requirements and shall furnish to the commissioner proof of qualifications to teach each segment of the portion of the armed certification requirements.

(k) Any person applying as an armed instructor/trainer shall meet the requirements of the unarmed instructor/trainer and shall also furnish to the commissioner documentary evidence of qualification as a firearms instructor/trainer to conduct the instruction/training of an armed applicant. Such documentary evidence shall include but not limited to:

(1) A valid current firearms instructor's certificate issued by the Tennessee peace officers standards and training commission;

(2) A valid current firearms instructor's certificate issued by a federal, United States military, state, county, or municipal law enforcement agency;

(3) A valid current security or law-enforcement firearms instructor's certificate by the National Rifle Association (NRA). Provided, the National Rifle Association basic firearms instructor certificate shall not be accepted as authorization to instruct security officer/guards;

(4) A valid current firearms instructor certificate from any academy or school approved by the commissioner; and

(5) A certificate, diploma or other documentation from a qualified institution, academy or school or documents that issues certification as a firearms instructor/trainer or specialized instructor/trainer approved by the commissioner that does not have an expiration date from the issuing authority, company or person, provided the documentation is verified by the department.

(l) A certified unarmed, armed or specialized instructor/trainer may be an employee of a contract security company or proprietary security organization, or an independent contractor, but shall meet the insurance requirements of this chapter before a certificate to certify/instruct is issued;

(m) A certified instructor/trainer shall certify the successful completion of training required by this chapter and shall submit such certificate to the commissioner prior to issuance or renewal of a registration card to a security officer/guard.

(n) The commissioner shall set and collect an annual fee for certification of an instructor/trainer.

(o) Certification may be renewed up to three (3) months after expiration by payment of all required fees plus a penalty established by the commissioner for each month or portion thereof before payment is tendered. No instructor/trainer shall teach on an expired certificate.

(p) Instructor/trainers who certify persons in the use of any specialized weapon or item approved by the commissioner shall meet the requirements of an armed instructor/trainer.

(q) Nothing in this section shall prohibit a certified instructor/trainer from utilizing guest instructor/trainers or other personnel to teach or certify applicants with specialized weapons or items approved by the commissioner. Any such guest instructor/trainer shall meet the requirements for certified instructor/trainers with such specialized weapons or items. When a non-department certified instructor/trainer is utilized in any training program a department certified instructor/trainer shall be present and the certificate or card certifying completion of the course shall be signed by the department certified instructor/trainer and the non-department personnel who taught the course. A copy of the non-department guest instructor/trainer's resume and certification shall be on file with the department-approved instructor/trainer and with the department. The commissioner shall approve each guest instructor/trainer before any instruction is given.

(r) It shall be an offense for any person to knowingly and willfully make a material misstatement in connection with an application, violate any provision of this chapter as a certified trainer/instructor, practice fraud, misrepresentation or deceit, engage in dishonorable, unethical, or unprofessional conduct or violate any provision of Section 62-35-126. A violation shall be punishable as a class E felony.